

## **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

**Chairman: Mr. James H. Rozier, Jr., Supervisor**

**Vice Chairman: Mr. William E. Crosby, District No. 3**

A **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, August 11, 2003, in the Assembly Room of the Berkeley County Office building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:17 p.m.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Councilmember District No. 6, was excused from this Special Meeting of Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Special Meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the News media, and other interested citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner gave the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier indicated there was no need for an Executive Session.

Chairman Rozier stated there were two Bills for Second Reading.

### **SECOND READINGS:**

**“BILL NO. 03-46, AN ORDINANCE APPROVING THE ACCEPTANCE OF A MEDIUM PAYMENT FOR PROPERTY TAXES AND THE IMPOSITION OF A UNIFORM SERVICE CHARGE AS A CONDITION THEREOF PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 12-45-90.”**

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve Bill No. 03-46 for Second Reading. The motion passed by unanimous voice vote of Council.

**“BILL NO. 03-47, AN ORDINANCE TO AMEND ORDINANCE NUMBER 03-06-35, SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET,**

**2003-2004, AND TO REDUCE THE MILLAGE ASSESSED IN THE TAX DISTRICT.”**

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approved Bill No. 03-47 for Second Reading. The motion passed by unanimous voice vote of Council.

**RESOLUTION:**

**“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO FILE AND TO PROVIDE MATCHING FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”**

It was moved by Councilmember Steve Davis and seconded by Councilmember Spooner to approve the Resolution as stated. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-40 is attached to these Minutes.)

There was no **UNFINISHED** or **NEW BUSINESS**, and no **ANNOUNCEMENTS**.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to adjourn. The motion passed by unanimous voice vote of Council.

The Special Meeting adjourned at 7:18 for Execution of documents and reconvened at 7:21 for Public Discussion.

**PUBLIC DISCUSSION**

Mr. Ken White of 9 Lombardi Lane, Hanahan, stated he wanted to address the controversial work policy that shouldn't be controversial. He indicated he read the article in the Post & Courier on Sunday, "Berkeley Records Reveal Work Policy." Also added, was "County Charge Less Than Private Sector." Mr. White stated he would like to ask seven questions about the program because he happens to believe that it was a good policy. It is a direct benefit to the citizens of Berkeley County. He stated he admires Mr. Rozier for implementing the program. By law it is legal, but the Constitution doesn't allow it. That is not Berkeley County's problem. The questions were as follows: 1) Was this work policy a direct benefit to the Council's constituents? 2) Did it provide job security to our County employees? 3) Would it help even more to prevent a tax increase if it was continued? 4) Was it unethical, if so, how? 5) Does our free Enterprise System permit a government body to underbid the private sector? Mr. White stated he would like to ask Mr. Wise and Council Members, who disagreed, to stop all bickering and have the policy reinstated and continued. This would provide dollars to the County Coffers while it is legal. If it continues to be stirred and made to stink, sooner or later someone will try to outlaw this. It's similar to the Local Option Sales Tax where we had a wonderful

opportunity toward it and it was voted down. The standards of living in South Carolina could have been raised by giving the richer counties an opportunity to help some of the poor counties. He stated this is the same principle, "we could improve the treasure of Berkeley County by continuing this policy." Mr. White continued that he thinks that it was ridiculous that the privileges were being taken away from the Berkeley County citizens to have the benefit of this policy.

Councilmember Spooner indicated that she read the article and it said that the County was not doing the job at a price in which a private contractor would. She stated that if it were a \$200 to \$300 job, a private contractor would not do it in the same way as the County. The County would schedule the job when they are in the area. The private contractor would have to make a special effort to come from far distances to do the job. It's no question that it would be cheaper for the county to do it if we were right beside it.

Chairman Rozier stated the program was structured so that if an individual could get a private contractor, the County would not do the job. He stated he had been waiting for any contractor from anywhere to call him with information about doing these jobs. Not one contractor has called him.

Ms. Marlene Boris stated that she and her husband Bob Boris live at 102 Joseph Court in Sangaree. She stated they had been residents of Sangaree for four years and when they purchased their home it was beautiful. Starting two years ago, she had made numerous attempts to contact different agencies for assistance with her home that is now flooded to the point that water is coming through her back door. Ms. Boris stated she had spoken with the person in charge at the Sangaree Special Tax District and begged for assistance but was told that it wasn't their responsibility. She went from that point to contacting Berkeley County Roads & Bridges asking that they come out and take a look at her problem. The Director of Berkeley County Roads & Bridges told them that they weren't coming to dig a ditch for her home. Ms. Boris stated that this was not a minor issue because she had a puppy that died last year because Coxidia was found in his blood stream. When DHEC came out to check her water, they did find Coxidia. Also, they have five children and a 76-year old grandmother that live in their home.

At this time Ms. Boris showed Council pictures of the greenway behind her home that supposedly belong to the Sangaree STD. Sangaree told them that Farmington out of North Carolina owned it, and Mr. Cheers, Sangaree's Manager, indicated they were only responsible for the maintenance. She pointed out on the photos the opening for her back gate and how the water comes into her back door. Ms. Boris referenced receipts, which totaled approximately \$4,000, in attempts to rectify the problem. They have had a cement slab poured to prevent the water from coming in the back door; the cement truck got stuck and charged them an additional \$150. Ms. Boris continued to point out several other places around her home that held water up to four inches. She indicated that their children couldn't play in the yard and the puppies potty on the patio to keep from drowning. They have dug six-inch trenches and the water is running over them. Twice in the last month her electricity had been off. She asked the Linemen if the power

outages were attributed to the submerging waters. The Linemen informed her that the cables were old and they were replacing them. Ms. Boris stated she is only asking for help. As homeowners the responsibility had been dumped on them. They have dug ditches and had \$2,000 worth of cement put in; from there they paid \$125 per truckload for dirt, which has now washed into the street because of the rippling water effect. Chairman Rozier assured Ms. Boris that the County would take a look at it and determine whether it's something we could fix. He stated there are some areas in Sangaree that cannot be fixed; they are at the bottom of a bowl.

Ms. Boris stated that it is obvious through the photographs that the water is coming directly from the greenway. She stated she was not asking for a drain or a ditch but to reroute the lake behind her house somewhere other than her yard.

Councilmember Crosby referenced a similar situation in his district and stated the County went out to look at the ditches. The ditch was to be maintained by the State but was clogged and caused the water to back up into the house. He stated the homeowner had submitted a claim to her insurance company for assistance. It went through and agency that handled claims for the County and it was denied because it was not a County ditch. Councilmember Crosby stated that he asked the Risk Manager to resubmit the application to the State for collection on damages. He asked Ms. Boris was the lake part of the subdivision that helps to drain other areas?

Ms. Boris stated that was a figure of speech; it's not really a lake. The more it rains in the greenway, the more the ground sinks.

Councilmember Crosby asked what direction was the water supposed to flow?

Ms. Boris stated that if it was high enough she supposed it would flow to a drain, but there is no drain on Joseph Court.

Chairman Rozier stated he had received an email tonight about the problem on Joseph Court.

Mr. Bob Boris stated they had emailed Councilmember Charles Davis and he indicated that he would address it. He stated they didn't think that anyone on County Council had done anything wrong, but they do need some type of assistance. They are not the only residents in the area that are affected by this. The residents on the main drag into Sangaree, Kershaw as well as Joseph Court, have about 15 to 20 residents. This is creating a bowl affect directly behind their homes.

Chairman Rozier reiterated that Sangaree had some bowls where homes shouldn't have been built. He stated we cannot make water run up hill and he hopes that the County comes out and finds something it could deal with.

Councilmember Charles Davis stated he was familiar with the area and the problem is that there is a long stretch of green and it runs out toward the parkway in a big circle behind some of the new construction.

Chairman Rozier asked did the water go through the Boris' yard to get to the parkway?

Councilmember Charles Davis stated it shouldn't. The greens were set up to drain the properties. Where the Boris live the ditches are probably county maintained. Coming out of a five-year draught no ditches had been dug back there.

Chairman Rozier stated the County does not dig ditches but maintains them. If the ditches were put in place when the subdivision was built the County would maintain those.

Ms. Boris stated she was present this evening because she needs a resolution. She stated this was their county and the residents need help.

Chairman Rozier stated the Boris had been in their home for four years and this may be the first year she had to contend with rain. However, this is not the first year that this parcel of property has had problems.

Councilmember Crosby stated the County may need to look into this situation. In his district he noticed that when new homes are built residents close the ditches and redirect the flow to somewhere else. They don't realize that down the stream someone will get hurt.

Chairman Rozier stated it's not the City of Goose Creek's problem; it's the homeowner's problem because the developer cannot be sued for not doing it right the first time. The engineers could be sued but we can't.

Councilmember Crosby stated that if a County or State approves a ditch at the time of construction the County or the State is liable for the ditch because they okayed it.

Councilmember Spooner asked, since that is a Special Tax District with a high millage, was there any provision in the Ordinance that sets up the STD to allow this kind of work to be done?

Chairman Rozier reiterated that we need to first see if there is any work that can be done. If it is, guidance and direction can be given. The STD is a maintenance district and the county also is a maintenance county.

Mr. Ken White stated that it's part of the Planning Commission's responsibility to see that these types of problems do not occur.

There being no further comments, the Public Discussion was declared ended at 7:50 p.m.

S/Barbara B. Austin  
Clerk of County Council

September 22, 2003  
Date Approved

**NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

Chairman: Mr. James H. Rozier, Jr., Supervisor

Vice Chairman: Mr. William E. Crosby, District No. 3

Members: Mr. Milton Farley, District No. 1  
Mrs. Judith K. Spooner, District No. 2  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis L. Fish, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8

There will be a **special meeting** of **BERKELEY COUNTY COUNCIL** on **Monday August 11, 2003**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, following a special meeting of the Committee on Finance, the Committee on Water and Sanitation, the Committee on Community Services, and the Committee on Justice and Public Safety at **6:00 p.m.**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**PUBLIC DISCUSSION** – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**SECOND READING:**

1. **Bill No. 03-46**, an **Ordinance** approving the acceptance of a medium of payment for property taxes and the imposition of a uniform service charge as a condition thereof pursuant to South Carolina Code of Laws Section 12-45-90.

[Recommended by Committee on Finance]

2. **Bill No. 03-47**, an **Ordinance** to amend Ordinance Number 03-06-35, **Sangaree Special Tax District Operational Budget, 2003-2004**, and to reduce the millage assessed in the tax district.

[Recommended by Committee on Finance]

### **RESOLUTION:**

1. **RESOLUTION** authorizing County Supervisor to file and to provide matching funds for Community Development Block Grant application for Berkeley County Water and Sanitation Authority.

[Recommended by Committee on Water and Sanitation]

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **ANNOUNCEMENTS**

### **ADJOURNMENT**

### **EXECUTION OF DOCUMENTS BY COUNCIL**

### **PUBLIC DISCUSSION**

August 6, 2003  
S/Barbara B. Austin  
Clerk of County Council